

FILED

OCT 15 2019

Attachment A

U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

Joennell Rice

Your full name

FEDERAL CIVIL RIGHTS
COMPLAINT
(BIVENS ACTION)

v.

Civil Action No.: 3:19cv173
(To be assigned by the Clerk of Court)

HAZELTON USP
MORRISON, SIS
BURBIE ENTOSE

Groh
Trumble
Sims

Enter above the full name of defendant(s) in this action

I. JURISDICTION

This is a civil action brought pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). The Court has jurisdiction over this action pursuant to Title 28 U.S.C. §§ 1331 and 2201.

II. PARTIES

In Item A below, place your full name, inmate number, place of detention, and complete mailing address in the space provided.

A. Name of Plaintiff: Joennell Rice Inmate No.: 607-24-060
Address: HAZELTON USP PO Box 2000
BRUCE TONMILLS, WV. 26525

In Item B below, place the full name of each defendant, his or her official position, place of employment, and address in the space provided.

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B. Name of Defendant: BURBIENTO'S E
 Position: SIS
 Place of Employment: HAZELTON USP
 Address: PO BOX 2000
BRUCETON MILLS, WV. 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: HE VIOLATED MY
BOP POLICY DUE PROCESS RIGHTS BECAUSE
HE NEVER LEGALLY SUSPENDED MY DHO SHOT
AND HE ILLEGALLY REFERRED ME TO AUSA
PROSECUTION

B.1 Name of Defendant: MORRISON
 Position: F-1 UNIT MANAGER
 Place of Employment: HAZELTON USP
 Address: PO BOX 2000
BRUCETON MILLS, WV. 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: HE DONT NEVER
COME BACK HERE TO SHU AND MAKE
HIS WEEKLY ROUNDS AND HE DENY ME
LEGAL REMEDYS WHICH IS A VIOLATION OF
MY BOP POLICY DUE PROCESS RIGHTS

B.2 Name of Defendant: HAZELTON USP
 Position: ADMINISTRATION
 Place of Employment: HAZELTON USP
 Address: PO BOX 2000
BRUCETON MILLS, WV. 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

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If your answer is "YES," briefly explain: They UNLAWFULLY HAD
me in the shu-hole for 2 years,
which this is, WAS a violation of
my Bop policy due process rights, which
this is cruel and unusele punishment, pain, suffering

B.3 Name of Defendant: _____
Position: _____
Place of Employment: _____
Address: _____

Was this Defendant acting under the authority or color of federal state
law at the time these claims occurred? ☐ Yes ☐ No

If your answer is "YES," briefly explain: _____

B.4 Name of Defendant: _____
Position: _____
Place of Employment: _____
Address: _____

Was this Defendant acting under the authority or color of federal state
law at the time these claims occurred? ☐ Yes ☐ No

If your answer is "YES," briefly explain: _____

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B.5 Name of Defendant: _____
Position: _____
Place of Employment: _____
Address: _____

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☐ Yes ☐ No

If your answer is "YES," briefly explain: _____

III. PLACE OF PRESENT CONFINEMENT

Name of Prison/ Institution: HAZELTON USP

A. Is this ~~where~~ the events concerning your complaint took place?
☒ Yes ☐ No

If you answered "NO," where did the events occur?

B. Is there a prisoner grievance procedure in the institution where the events occurred? ☒ Yes ☐ No

C. Did you ~~file~~ a grievance concerning the facts relating to this complaint in the prisoner grievance procedure?
☒ Yes ☐ No

D. If your answer is "NO," explain why not: _____

E. If your answer is "YES," identify the administrative grievance procedure number(s) in which the claims raised in this complaint were addressed

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and state the result at level one, level two, and level three. **ATTACH GRIEVANCES AND RESPONSES:**

LEVEL 1 I filed, Bp8,
 LEVEL 2 Bp 9, Bp 10,
 LEVEL 3 Bp 11

IV. PREVIOUS LAWSUITS AND ADMINISTRATIVE REMEDIES

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action? ☐ Yes ☒ No

B. If your answer is "YES", describe each lawsuit in the space below. If there is more than one lawsuit, describe additional lawsuits using the same format on a separate piece of paper which you should attach and label: "IV PREVIOUS LAWSUITS"

1. Parties to this previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. Court: _____
 (If federal court, name the district; if state court, name the county)

3. Case Number: _____

4. Basic Claim Made/Issues Raised: _____

5. Name of Judge(s) to whom case was assigned: _____

6. Disposition: _____
 (For example, was the case dismissed? Appealed? Pending?)

7. Approximate date of filing lawsuit: _____

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8. Approximate date of disposition. Attach Copies: _____

- C. Did you seek informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part B?

☒ Yes ☐ No

- D. If your answer is "YES," briefly describe how relief was sought and the result. If your answer is "NO," explain why administrative relief was not sought.

Bp10 I filed and Bp8, ~~BP8~~ But They NEVER Responded BACK so I followed up with Bp9, Bp11 with The Regional office and my Unit Manager NAME MORRON FI Unit Can Verify This Sir

- E. Did you exhaust available administrative remedies?

☒ Yes ☐ No

- F. If your answer is "YES," briefly explain the steps taken and attach proof of exhaustion. If your answer is "NO," briefly explain why administrative remedies were not exhausted.

The only Reason I dont HAVE Remedys TO Attach Right Now is Because I just gave MORRON and copy of my Bp9, Bp10, Bp11 with this SAME BIVENS LAWSUIT PACKET last month Sep 2019 TO Ser TO you guys in the MAIL But for some Reason It NEVER made it BUT MORRON Can Verify This Sir

- G. If you are requesting to proceed in this action *in forma pauperis* under 28 U.S.C. § 1915, list each civil action or appeal you filed in any court of the United States while you were incarcerated or detained in any facility that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Describe each civil action or appeal. If there is more than one civil action or appeal, describe the additional civil actions or appeals using the same format on a separate sheet of paper which you should attach and label "G. PREVIOUSLY DISMISSED ACTIONS OR APPEALS"

1. Parties to previous lawsuit:

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Plaintiff(s): _____

Defendant(s): _____

2. Name and location of court and case number:

3. Grounds for dismissal: ☐ frivolous ☐ malicious
☐ failure to state a claim upon which relief may be granted

4. Approximate date of filing lawsuit: _____

5. Approximate date of disposition: _____

V. STATEMENT OF CLAIM

State here, as **BRIEFLY** as possible, the facts of your case. Describe what each defendant did to violate your constitutional rights. **You must include allegations of specific wrongful conduct as to EACH and EVERY defendant in the complaint.** Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, you must number and set forth each claim in a separate paragraph. **UNRELATED CLAIMS MUST BE RAISED IN SEPARATE COMPLAINTS WITH ADDITIONAL FILING FEES. NO MORE THAN FIVE (5) TYPED OR TEN (10) NEATLY PRINTED PAGES MAY BE ATTACHED TO THIS COMPLAINT. (LR PL 3.4.4)**

CLAIM 1: ON OCT 20, 2017 HAZELTON USP gave me
 and Institution Shot for and 101 ASALT charge
 against and INMATE NAME Darel ginger and so
 the next week in oct 2017 I went to
 DHO and got SANCTION well CONSTITUTION rights

Supporting Facts: FOR PRISONERS UNDER INMATE Discipline
 BOP policy

Which ~~SD~~ He's Denieing me legal Complaint
 Proceedure which This is a Violation of
 my due process Rights That He's in Violation
 of Sir Because I'm INTITTLED To This
 But So I ask you To make These
 Copie BACK here and give me This
 Stuff Sir and I also ask you
 guys To file This Lawsuit for me
 Sir Because I can not make Cops of
 This Lawsuit Because my Unit Manager NAME
 MORRON dont come BACK here Sir and
 neather do Anyone else from my Unit Team
 and This guy on my Range NAME ^{#64909-0601} Rondell HARRIS
 He's my witness To This momment of Truth
 and This CONAME MYERS can verify That my
 Unit Manager MORRON dont come BACK here in
 SHU on my Range 1, most importing The
 Candy Camra can BACK This momment of
 Truth up Sir But I dont have NO
 money on my Books and Trust fund here
 at HAZELTON USP can verify This

and for my lawsuit that I got
already filed with you guys against
Lieutenant Smith, Cowaltz, CO McDuffin for
5 million dollars I would like to have
a jury trial because this happen on
Candy Camra sir BACK here in SHU

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Program Statement 5072.09 SAYS SIS, SIA HAS TO PROSECUTE ALL 101 ASSAULTS, ASSAULTS PERIOD AND IT SAYS THAT THEY HAVE TO SUSPEND YOU DHO SHOT UNTIL THE COURT IS DONE WITH

CLAIM 2: YOUR CASE AND THEN THE BOP ADMINISTRATION CAN PROCEED DHO WISE WELL THEY NEVER FOLLOWED PROTOCOL AND DID THIS TO ME LIKE THEY WAS SUPPOSE TO SO WHICH THERE IN VIOLATION OF MY BOP POLICY DUE PROCESS RIGHTS AND CHAPTER 9 ON DOWN FROM THIS PROGRAM STATEMENT VERIFIES THIS Supporting Facts: AND THEN 3 IN A HALF 4 MONTHS LATER THIS INMATE NAME DAREL GINGER DIED AT THE OUTSIDE WEST VIRGINIA HOSPITAL SO THEY CALL THEM SELFS TRYNA COME BACK AND UP GRADE MY 101 ASSAULT SHOT TO AND 100 SERIOUS SHOT WHICH IS A NOTHER VIOLATION

CLAIM 3: OF MY BOP POLICY DUE PROCESS RIGHTS AND THEY WAS SUPPOSE TO SERVE ME A COPY OF THIS UP GRADE 100 SERIOUS SHOT WITH IN 24 HOURS WHICH THEY NEVER DID TO THIS DAY AND WHICH THIS IS A NOTHER VIOLATION OF MY BOP POLICY DUE PROCESS RIGHTS AND BOP PROGRAM STATEMENT 5072.09 CHAPTER 9 ON DOWN Supporting Facts: CONFIRMS THIS MOMMENT OF TRUTH FROM BOP CONSTITUTION RIGHTS FOR PRISONERS SO THEY ALSO REFERED ME FOR AUSA PROSECUTION WHICH IS ILLEGAL FROM ME EXPLAINING THIS TO YOU SIR BECAUSE THEY NEVER SUSPENDED MY 101 ASSAULT LIKE THEY WAS SUPPOSE TO SIR AND SIS BURRIENTOSE

CLAIM 4: KNOW THIS SIR AND SUPREME COURT CASE SUPERINTENDANT VS. HILL SAYS I CAN NOT BE CHARGE AND GIVE'S ME DIRECT RELIEF ON THIS, SUPREME COURT CASE WOLFE VS. McDONNOLD ALSO GIVE'S ME DIRECT RELIEF FROM THIS SIR AND I UNLAWFULLY BEEN

Supporting Facts: BACK HERE FOR 2 YEARS IN THIS SHU-HOLE SIR WHICH IS CRUEL, UNUSEFUL PUNISHMENT

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and Pain, Suffering, which is a Violation of my Eighth Amendment United States Constitution Rights Because This is definitely BARBARIC SIR

CLAIM 5: They don't wash ^{cloths} our only uniforms we wear except for every month in a half or sometimes two months SIR and our cells be flooded, They don't give us know Kimackles To Clean our cell SIR and Bop policy Program statement says some body from your unit

Supporting Facts: Team is suppose to come BACK TO SHU from Monday To Friday and ask you do you need Any Thing SIR Well They don't do This At all SIR This guy morron which is my unit management He comes BACK here on my Range 1 ONCE a month and He never HAVE know legal Remedys for me SIR

VI. INJURY

Describe **BRIEFLY** and **SPECIFICALLY** how you have been injured and the exact nature of your damages.

They Violated my eighth Amendment ~~SO~~ I'm SUEing Them for CRUEL, UNUSELE punishment, PAIN, Suffering and I'm SUEing Them for mental stress, Depression Because I'm BYpolore, I'm SKINFRANTIC, I TAKE medicen for this and I'm mentally stressed out, I'm Depressed from Being BACK here SO I'm SUEing Them for 20 Million Dollars

VII. RELIEF

State **BRIEFLY** and **EXACTLY** what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.

I WANT you To fire These guys and I WANT a Jury Trial and I WANT you To MAKE These People let me go BACK TO general Population OR Emergency TRANCEFER me To Medical Jail Because I'm a medical PAISIENT TRANCEFER, my Court Recomend me To go To a federal medical center which This is in my file so please have Them send me To Boston DEVENTS FMC OR Butner North Carolina FMC Where I'm on file at Where I can get The Proper Treatment I need

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DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint is true and accurate. Title 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed at Shut Range 1 on Oct 2019.
(Location) (Date)

Isenell Rice
Your Signature